HON'BLE SRI JUSTICE GOPALAKRISHNA TAMADA

W.P.No.30508 of 1997

Date: 29.01.2007

Between:

1. Sri B. Bapudora, S/o Rangaiah

2. Smt. K. Rangamma, W/o Raji Reddy

.... Petitioners

And

The Chief Secretary, Government of Andhra Pradesh, Secretariat, Hyderabad and 4 others

.... Respondents

ORDER:

Being aggrieved by the action of the respondents in proposing to demolish the petitioners' shops and buildings bearing House Nos.12-3-7 consisting of two shops with residence in the first floor and 12-3-7/1 consisting of four shops with residence situated at Medak Road, Siddipet, Medak District, the petitioners filed the present writ petition questioning the said action as arbitrary, illegal and violative of principles of natural justice.

The petitioners are the absolute owners of the shops and buildings in question, having been constructed after obtaining permission from the competent authority. On 14.11.1997 at 10.00 AM, the staff of Roads and Buildings came and marked the walls of the buildings. While taking measurements and when asked, they informed that the buildings in

question would be demolished for the purpose of road widening in view of the decision of the second respondent-District Collector. Without having any valid orders and without following due procedure contemplated under law, the respondents have no power or authority to demolish the structures in question and the said action in proposing to demolish the structures is illegal, arbitrary and violative of principles of natural justice. Hence, the writ petition.

Heard the learned counsel for the petitioners and the learned Government Pleader for Revenue.

While admitting the writ petition, this Court granted interim order on 19.11.1997 directing the respondents not to demolish the shops and buildings of the petitioners bearing House Nos.12-3-7 (two shops with residence) and 12-3-7/1 (four shops), situated at Medak Road, Siddipet, until further orders. In spite of service of notices of the writ petition on the respondents, they did not enter appearance nor even chose to file any counter.

Having heard the learned counsel for the petitioners and after perusing the material on record and in the absence of any counter from the respondents disputing the claim of the petitioners, the action of the respondents in proposing to demolish the structures in question, *prima facie*, appears illegal and violative of principles of natural justice. If really the respondents intend to demolish the structures in

question for road widening, definitely they should follow necessary procedure as contemplated under the Land Acquisition Act, 1894, for the said purpose after giving proper notice to the petitioners. As such, the action of the respondents in proposing to demolish the structures of the petitioners is arbitrary, illegal and violative of principles of natural justice.

Accordingly, the writ petition is disposed of directing the respondents to issue proper notice to the petitioners before demolishing their structures in question and follow the due procedure as contemplated under the Land Acquisition Act, if it is required for the purpose of road widening.

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GOPALAKRISHNA TAMADA, J

Date: 29th January 2007

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